

AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE AUGUST 22, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 20, 2006

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AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2756

Introduced by Assembly Member Levine
(Principal coauthor: Senator Escutia)

February 24, 2006

An act to add Chapter 5.2.5 (commencing with Section 25423) to Division 15 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2756, as amended, Levine. Energy: efficiency retrofits: State Energy Conservation Assistance Account for Public Schools.

Existing law requires the State Energy Resources Conservation and Development Commission to administer the State Energy Conservation Assistance Account, a continuously appropriated account, in the General Fund until January 1, 2011, to provide grants and loans to local governments and public institutions, as specified, to maximize energy use savings.

This bill would require the Controller to transfer funds from the Ratepayer Relief Fund to an account in the Special Deposit Fund, to provide grants to eligible institutions, defined as a kindergarten and

grades 1–12, inclusive, public school ranked academically as specified, for energy conservation projects ~~in existing buildings and facilities at eligible institutions~~. The bill would transfer \$22,235,000 from the Attorney General’s Ratepayer Relief Fund to an account in the Special Deposit Fund for use by California public universities and community colleges. The bill would authorize moneys in the account, upon appropriation by the Legislature, to be used by a public university or community college for the purposes of the bill.

The bill would require the Department of Water Resources to report to the Legislature on or before July 1, 2007, and each July 1 thereafter, on all sums collected and expended for costs associated with siting and installation of certain generating units obtained through an energy settlement agreement with The Williams Companies, Inc. and Williams Energy Marketing & Trading Company.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.2.5 (commencing with Section
2 25423) is added to Division 15 of the Public Resources Code, to
3 read:

4
5 CHAPTER 5.2.5. ENERGY CONSERVATION ASSISTANCE FOR
6 PUBLIC SCHOOLS
7

8 25423. As used in this chapter, the following terms have the
9 following meanings:

10 (a) ~~“Allocation” means a grant of funds by the commission~~
11 ~~pursuant to the procedures specified in this chapter.~~

12 (b) ~~“Building” means any existing structure that includes a~~
13 ~~heating or cooling system, or both, and includes classrooms,~~
14 ~~laboratories, dormitories, athletic facilities, administrative~~
15 ~~facilities, or related facilities at a kindergarten and grades 1 to 12,~~
16 ~~inclusive, public school in this state. Additions to an original~~
17 ~~building shall be considered part of that building rather than a~~
18 ~~separate building.~~

19 (c)

20 (a) “Eligible institution” means a kindergarten and grades 1 to
21 12, inclusive, public school ranked in deciles 1 to 3, inclusive, on

1 the Academic Performance Index, pursuant to Section 52056 of
2 the Education Code, based on the 2003 base Academic
3 Performance Index score for each school, as defined in
4 subdivision (b) of Section 17592.70 of the Education Code.

5 ~~(d)~~

6 (b) “Energy conservation measure” means an installation or
7 modification of an installation ~~in a building or facility at an~~
8 *eligible institution* that is primarily intended to reduce energy
9 consumption, including retrofit or replacement of heating,
10 ventilation, and air-conditioning systems, appliances, mechanical
11 systems, insulation, windows, and building design and materials.

12 ~~(e)~~

13 (c) “Energy conservation project” means an undertaking to
14 acquire and to install one or more energy conservation measures
15 ~~in a building or facility at an eligible institution~~, and technical
16 assistance in connection with that undertaking.

17 ~~(f) “Facility” means any major energy using system of an~~
18 ~~eligible institution whether or not housed in a building.~~

19 25423.1. (a) Any public university or community college
20 may finance all or a portion of the costs incurred in implementing
21 an energy conservation project at an eligible institution.

22 (b) Any California public university or community college
23 may finance its or the eligible institution’s share of costs that are
24 to be jointly funded through a state, local, public utility, or
25 federal-local program.

26 ~~25423.4. Annually at the conclusion of each fiscal year, but~~
27 ~~not later than October 31, each applicant which has received an~~
28 ~~allocation pursuant to the provisions of this chapter shall~~
29 ~~compute the cost of the energy saved as a result of implementing~~
30 ~~an energy conservation project funded by the allocation.~~

31 ~~25423.6.~~

32 25423.2. (a) The Controller shall transfer funds from the
33 Ratepayer Relief Fund to an account in the Special Deposit Fund.
34 The money in the account shall, upon appropriation by the
35 Legislature in the annual Budget Act, or other appropriation, be
36 used by a public university or community college for the
37 purposes of this chapter.

38 (b) The money in the account shall consist of all money
39 transferred to, or authorized or required to be deposited in, the
40 account by the Legislature.

1 (c) The money in the account shall be disbursed by the
2 Controller for the purposes of this chapter.

3 (d) The funds in the account shall be made available to any
4 public university or community college for grants for *energy*
5 *conservation projects and related* services to be performed for
6 eligible institutions. Services may include, but are not limited to,
7 curriculum development, materials, professional engineering
8 services, feasibility analysis, project design, field assistance, and
9 operation and training.

10 25424. (a) An allocation made pursuant to this chapter shall
11 be used for the purposes specified.

12 (b) Requests for expenditure authority shall be evaluated
13 utilizing the following prioritized criteria:

14 (1) The degree of incorporation of energy efficiency
15 technology into curriculum or efficacy of the energy
16 conservation project to be utilized as a learning tool.

17 (2) The number of energy conservation or efficiency projects
18 and the magnitude of energy efficiency benefits previously
19 implemented by the applicant.

20 (3) Whether the California public university or community
21 college has designated staff or faculty responsible for
22 coordinating the energy conservation project and the number of
23 similar projects and the magnitude of energy efficiency benefits
24 previously derived under the management of the person or
25 persons designated. This criteria shall consider whether previous
26 projects were performed on or ahead of schedule, whether
27 previous projects were completed on or below budget, and
28 whether the benefits actually achieved or exceeded expectations.

29 (4) The effectiveness of the energy conservation project as a
30 demonstration project for other eligible institutions, including
31 integration with existing energy efficiency technologies,
32 proximity to other eligible institutions, and proximity to other
33 educational, civic, and governmental institutions that may
34 undertake similar projects.

35 (5) The amount of energy saved in the short run and over the
36 life of the energy conservation project.

37 (c) In the event that it is determined that an allocation has been
38 expended for purposes other than those specified in an approved
39 application, the California public university or community

college shall immediately return the full amount of the allocation.
The applicant shall immediately comply with that request.

25424.4. The Department of Finance, at its discretion, may
audit the expenditure of any allocation made pursuant to this
chapter or the computation of any payment made pursuant to
Section ~~25423.6~~ 25423.2.

SEC. 2. On or before July 1, 2007, and each July 1 thereafter,
the Department of Water Resources shall report to the
Legislature on all sums collected and expended for costs
associated with siting and installation of the LM6000 units
obtained through the settlement with The Williams Companies,
Inc. and Williams Energy Marketing & Trading Company, made
and entered into as of November 11, 2002.

SEC. 3. (a) The sum of twenty-two million two hundred
thirty-five thousand dollars (\$22,235,000) is hereby transferred
from the Attorney General's Ratepayer Relief Fund to an account
in the Special Deposit Fund for use by California public
universities and community colleges for the purposes of Chapter
5.2.5 (commencing with Section 25423) of Division 15 of the
Public Resources Code.

(b) The Legislature finds and declares that the moneys referred
to in subdivision (a) are proceeds from the settlement of litigation
with The Williams Companies, Inc. and Williams Energy
Marketing & Trading Company, made and entered into as of
November 11, 2002, and received for energy efficiency retrofit of
schools and public buildings.

(c) It is the intent of the Legislature that all subsequent
proceeds from the settlement of litigation with The William
Companies, Inc. and Williams Energy Marketing & Trading
Company, made and entered into as of November 11, 2002, be
transferred to the account within the Special Deposit Fund to
implement the provisions of Chapter 5.2.5 (commencing with
Sections 25423) of Division 15 of the Public Resources Code.

CORRECTIONS:

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